

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>vs.</b>	)	<b>CRIMINAL ACTION 08-00361-KD-M</b>
	)	
<b>KIZZIE WATKINS ANDERSON,</b>	)	
<b>Defendant.</b>	)	

**ORDER**

This matter is before the Court on Defendant Kizzie Watkins Anderson's request for early termination of probation, the comments of the U.S. Probation Office (that it has no objection to granting Defendant Anderson's request for early termination of probation), and the Response in Opposition filed by the Government (Doc. 52).

The decision to grant early termination of probation is discretionary and will be reviewed for abuse of discretion. See, e.g., United States v. Reagan, 162 Fed. Appx. 912, 914 (11<sup>th</sup> Cir. 2006). Title 18 U.S.C. § 3564(c) addresses early termination of probation as follows:

(c) Early termination.--The court, after considering the factors set forth in section 3553(a) to the extent that they are applicable, may, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, terminate a term of probation previously ordered and discharge the defendant . . . at any time after the expiration of one year of probation in the case of a felony, if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice.

18 U.S.C. § 3564(c). The applicable factors for consideration in 18 U.S.C. § 3553(a) include:

- (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
- (2) the need for the sentence imposed--
  - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
  - (B) to afford adequate deterrence to criminal conduct;
  - (C) to protect the public from further crimes of the defendant; and

\* \* \*

- (3) the kinds of sentences available;

- (4) the kinds of sentence and the sentencing range established for--  
(A) the applicable category of offense committed by the applicable  
category of defendant as set forth in the guidelines--

\* \* \*

18 U.S.C. § 3553(a).

Having considered the Section 3553(a) factors, the facts as presented, and the U.S. Probation Office's recommendation, the Court is satisfied that early termination is "warranted by the conduct of the defendant and the interest of justice." 18 U.S.C. § 3564(c). Specifically, the Probation office points out that:

....Prior to being placed on probation supervision, the offender had been on pretrial supervision in the Northern District of Ohio for 18 months without incident. During that time, she completed drug/alcohol aftercare, obtained full-time employment and all of her drug screens were negative.

After being placed on probation, she continued to make a satisfactory adjustment to supervision. This is evidenced by the fact that she maintained her full-time employment as a State Tested Nurses Aid at the Autumn Hills Care Center in Niles, Ohio. Her employer was made aware of her conviction and they decided to continue her employment as a result of her positive work ethic. Further, all of her drug screens have been negative and she has maintained a stable residence for her and her four children. During May 2011, she earned her GED which she obtained while working full-time and providing for her family which is certainly a noteworthy accomplishment for anyone on supervision.

Overall, the offender has made a good adjustment to supervision and has presented no issues to date....

Accordingly, it is **ORDERED** that Defendant Anderson's request for early termination of probation is **GRANTED** such that Defendant Kizzie Watkins Anderson's previously imposed term of probation is hereby **TERMINATED**.

The Clerk of Court is **DIRECTED** to mail a copy of this Order to the Defendant.

**DONE** and **ORDERED** this the 11<sup>th</sup> day of **July, 2011**.

/s / Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**